

Cp 3724
#8 Election
1/31/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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Mary Ann Copas
Mary Ann Copas, Sec'y

In the application of: Rudolf Supe-Dienes
Serial Number: 09/251,781 ✓
Filing Date: February 17, 1999 ✓
For: BLADE HOLDER WITH CUTTING FORCE
ADJUSTMENT INDEPENDENT OF STROKE
Art Unit: 3724
Examiner: Clark Dexter

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Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION OF 12/08/99

In answering the Office Action dated December 8, 1999, applicant submits the following. The Examiner requested restriction of the application to one of the four "inventions" I through IV as defined by the Examiner on page 2 of the office action. The grouping of claims for all "inventions" I through IV includes the respective independent claim 18.

It is respectfully submitted that the application by virtue of having a generic claim that reads on all four "inventions" encompasses only ONE INVENTION with a common inventive features. The four "inventions" identified by the Examiner are SPECIES of the invention but not separate inventions. Please note that species must be patentably distinct from one another (see MPEP 806.04(h)), i.e., the very feature that the Examiner claims defines separate inventions is the characteristic that defines different species of a generic claim. There is no divergent subject matter as all of the claims refer to a blade holder and, furthermore, only two embodiments of such a blade holder are disclosed, i.e., Figs. 1 and 2.

It is therefore respectfully requested that the restriction requirement be withdrawn.

However, in conformity with the requirements under 37 CFR 1.141, Applicant elects herewith, **with traverse**, group I with claims 18-23, for further prosecution.

The Examiner moreover requested an election of species, pertaining to the

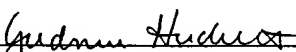
embodiments shown in Figs. 1 and 2.

Applicant herewith elects Fig. 1 with claims 18-21, 24, and 26-31 for further prosecution with all rights being reserved to file one or more divisional applications for the non-elected claims.

Applicant has attempted to respond fully to the outstanding Office Action. However, should the Examiner have further questions or comments, or wish to discuss the merits of the application, the undersigned would welcome a telephone call.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for a Time Extension sufficient to effect a timely response and any fees required or any shortages in any fees be charged to Deposit Account 02-1653.

Respectfully submitted,


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